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employer to inform him of it, and, in the absence of an official of higher grade, this duty devolved on the foreman, under whom he was working, as vice principal.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 34, Master and Servant, §§ 297, 298.]

Same—Fellow Servants.—A mine boss discharging the duty of the employer in furnishing to an employee engaged in mining ore as a common laborer a reasonably safe place in which to work is a vice principal, and not a fellow servant of the employee.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 34, Master and Servant, §§ 429, 434.]

SULLIVAN *v.* GUM, sheriff, et al.

Nov. 22, 1906.

[55 S. E. 535.]

Acknowledgment—Bill of Sale—Sufficiency.—The acknowledgment to a bill of sale was: "On the 12th day of July, A. D. 1905, before me personally appeared William Morse, to me known and known to be the same person mentioned and described in the foregoing instrument, and he duly acknowledged to me that he executed the same. H. E. Cole, Notary Public, New York City." The Virginia statute prescribes a form of acknowledgment, and declares that a certificate to such effect shall be sufficient, and a certificate complying literally with the statute would have read: "Corporation of New York, to wit, I, H. E. Cole, a notary public for the corporation aforesaid, in the state of New York, do certify that William M. Morse, Jr., whose name is signed to the writing above, bearing date on the 27th day of June, 1905, has acknowledged the same before me, in my corporation aforesaid. Given under my hand this 12th day of July, 1905." Held, that the acknowledgment was sufficient as a substantial compliance with the statute.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 1, Acknowledgment, §§ 151-172.]

BLUE RIDGE LIGHT & POWER CO. *v.* TUTWILER.

Nov. 22, 1906.

[55 S. E. 539.]

Street, Railroads—Operation—Action for Injuries—Pleading.—A declaration alleging that while the plaintiff, in the exercise of reasonable care on his part, was driving his wagon and horses along the street, where he had a right to be, defendant, a street car company, through its agents and employees, negligently ran its car against the rear end of the wagon with such force and violence as to cause the

injuries complained of, is sufficient to show the duty of defendant to plaintiff, and its breach.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 44, Street Railroads, § 224.]

Writ of Error—Record—Bill of Exceptions—Necessity.—Where an order of the trial court showed that the defendant moved that the plaintiff be required to file a bill of particulars, that the court overruled the motion, and that the defendant excepted to the court's action, no bill of exceptions was necessary to present the ruling in the record for review.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 3, Appeal and Error, §§ 2417, 2350.]

Pleading—Bill of Particulars—Necessity.—In an action for injuries caused by the striking of a wagon driven by plaintiff by a street car, where the declaration contained a full and clear statement of the plaintiff's case, it was not error to refuse to require a bill of particulars.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 39, Pleading, §§ 954, 956.]

Street Railroads—Operation—Negligence of Street Railroad Company—Evidence.—Evidence that plaintiff was driving a wagon along a street railroad track on a downgrade, and that, as a car approached him slowly from the rear, it began to slip on the rails and the motor-man reversed the current and applied sand freely to the rails, but was unable to stop the car till it pushed against the plaintiff's wagon until the pole of the wagon came in contact with the rear of another wagon, breaking the pole and causing plaintiff to fall off his seat into his wagon, was insufficient to show negligence of the street railroad company.

SIPE *v.* TAYLOR et al.

Nov. 22, 1906.

[55 S. E. 542.]

Limitation of Actions—Computation—Pendency of Litigation.—In 1870 a person became a surety on a bond and died. In 1871 a judgment was rendered on the bond against the personal representatives of the deceased surety. In 1887 a decree was entered directing process to issue against the principal and the personal representatives of the deceased surety, and directing that the cause should be referred to a commissioner, with instructions to settle the account showing the deficiency for which the surety was liable. The proceedings causing a delay in enforcing the judgment and determining the amount of the surety's liability were brought about by the acts of the personal representatives, and it was not until 1902 that a decree determining the amount of the liability on the bond was